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PATENT

Docket No. A01043 (3247-7012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Charles A. Daffi *et al.*

Serial No.. 09/847,127

Group Art Unit: 3743

Filed: May 2, 2001

Examiner: Carl D. Price

For: HYDROGEN-FUELED FLARE SYSTEM

FAX RECEIVED

FEB 07 2003

GROUP 3700

SUPPLEMENTAL REMARKS

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir,

Applicants would like to thank the Examiner for the courtesy extended to the undersigned during a telephonic conversation which occurred on February 4, 2003. As requested by the Examiner, Applicants respectfully submit for consideration these supplemental remarks in response to the non-Final Office Action (Paper No. 5) dated August 30, 2002, and further to the Amendment Under 37 C F R. § 1.111 filed on January 30, 2003. Applicants herewith file a Petition and Fee for Extension of Time with deposit account authorization for three months extending the due date for response from November 30, 2002, to February 28, 2003. This Response is timely filed.

Serial No.: 09/847,127**Docket No.: A01043 (3247-7012)****I. Remarks Regarding New Claims**

In the Amendment Under 37 C.F.R. § 1.111, filed January 30, 2003, Applicants requested that claims 1-14 be cancelled without prejudice or disclaimer. Applicants also requested the entry of new claims 15-19.

In response to the Examiner's telephonic inquiry, Applicants herein provide additional remarks regarding the cancellation of original claims 1-14.

Original claims 1-14 are "Jepson" - style claims. Applicants do not desire to prosecute Jepson-style claims. Therefore, claims 1-14 are canceled and replaced with non-Jepson-style claims 15-19.

II. Remarks In Response To Rejections

Applicants respectfully assert that original claims 1-14 and new claims 15-19 are distinguishable over the cited references of Paper No. 5.

Response To Rejection Under 35 U.S.C. § 103(a) Over Japanese 78 044048B

Original claims 1-14, now canceled, were rejected under 35 U.S.C. § 103(a) over Japanese reference JP 78 044048B (JP '048).

Applicants respectfully assert that JP '048 relates to a different process than that claimed by Applicants. JP '048 is directed toward a 2-step combustion process in which hydrogen is added to a fuel such as heavy oil (see JP '048 Abstract). Based upon the English Language Abstract, it appears that JP '048 is directed toward the addition of hydrogen to liquid fuels such as heavy oil. Original claims 1-14 were directed toward "gaseous" materials, as are new claims 15-19. In new independent claim 15, Applicants claim "a first gas stream" and "a second gas stream".

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Claims 16-19 are dependent from claim 15

JP '048 does not teach or suggest all claimed elements of Applicants' claimed invention. Further, the apparent utilization of liquids in JP '048 (i.e. fuel oil) teaches away from Applicants' claimed invention

Response To Rejection Under 35 U.S.C. § 103 over JP 51087469

Applicants respectfully assert that JP 51087469 (JP '469) is directed toward a different process than that claimed by Applicants. The process claimed by Applicants, both in original claims 1-14 and new claims 15-19, blends a hydrogen-containing gas stream related to process flaring.

Differently, the process of JP '469 is directed toward the introduction of an exhaust gas into a tower packed with catalyst (*see* Abstract). JP '469 requires that the ratio of combustion air to fuel is made less than 1 to control the concentration CO and H₂ generated (*see* Abstract). JP '469 teaches away from Applicants' claimed invention. Further, JP '469 does not teach or suggest all claimed elements of Applicants' claimed invention.

CONCLUSION

In view of the above, Applicants respectfully assert that no prima facie case of obviousness exists under 35 U.S.C. §103 over the cited references and Applicants respectfully request the withdrawal of the instant rejections.

Based on the foregoing remarks, Applicants respectfully request reconsideration and the allowance of this application.

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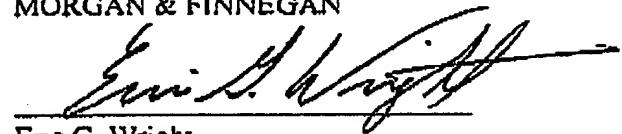
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment, to Deposit Account No 13-4500, Order No. 3247-7012. A duplicate copy of this sheet is attached.

Respectfully submitted,
MORGAN & FINNEGAN

Dated: February 7, 2003

By.



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No. of Pages: 6

CERTIFICATE OF FACSIMILE TRANSMISSION

Sir:

Attached are copies of the following documents:


1. PETITION FOR EXTENSION OF TIME
2. SUPPLEMENTAL REMARKS
3. DEPOSIT ACCOUNT AUTHORIZATION

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Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 7, 2003

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